

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RALPH WHITFIELD,	:	
Petitioner	:	CIVIL NO. 1:CV-04-1532
	:	
v.	:	(Judge Kane)
	:	
	:	
PENNSYLVANIA BOARD OF	:	
PROBATION AND PAROLE	:	
Respondent	:	

MEMORANDUM and ORDER

Ralph Whitfield, an inmate at the State Correctional Institution in Huntingdon, Pennsylvania, commenced this action with a pro se petition for writ of habeas corpus pursuant to the provisions of 28 U.S.C. § 2254. Petitioner claims that the Pennsylvania Board of Probation and Parole (“PBPP”) applied amended standards to his parole application, in contravention of the ex post facto clause of the United States Constitution.

Pursuant to an Order to show cause (Doc. 5) why the requested relief should not be granted, Respondents filed a response (Doc. 7) to the petition and a brief in opposition (Doc. 9). Thereafter, Petitioner filed a reply (Doc. 10) to the answer. Presently before the Court is Petitioner’s letter (Doc. 12), in which he states: “in lieu of a formal petition/motion, I respectfully submit this letter to serve as my MOTION TO WITHDRAW MOTION FOR HABEAS CORPUS RELIEF.” (Doc. 12 at 1.) Petitioner’s letter is construed as a request for voluntary dismissal, and the motion will be granted.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Petitioner's letter (Doc. 12) is construed as a motion for voluntary dismissal, and the motion is **GRANTED**, without prejudice.
2. The Clerk of Court is directed to close the case.
3. There is no basis for the issuance of a certificate of appealability.

s/ Yvette Kane

YVETTE KANE

United States District Judge

Dated: May 3, 2005.